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Robert J. Axelrod

July 25, 2022

Hon. Lee Dunst
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: AA Medical, P.C. v. Iron Workers Locals 40, 361 & 417 Health Fund
Case No. 2:22-cv-01249 ENV-LD

Dear Judge Dunst:

This Firm represents Plaintiff AA Medical P.C. in this case and responds to the letter filed today by Defendant concerning the Status Conference scheduled for August 1, 2022 pursuant to the Court's Order.

It is Plaintiff's position that there is no reason to adjourn the Status Conference in light of Defendant's pending motion to dismiss. Your Honor's Local Rules make it clear that "[o]nce a case been filed, there is no automatic stay of discovery, unless authorized by statute or so ordered by the Court per a motion to stay discovery." Defendant has made no such motion to stay, only to adjourn the Status Conference. Further, it may take some time for the district court to adjudicate the motion to dismiss once it is fully briefed but that is not a reason to put off at least Phase One discovery (the dates have been chosen purposefully with the pending motion in mind).

Defendant's request to adjourn should be denied.

Respectfully submitted,

/s/ Robert J. Axelrod

cc: All parties on ECF